

BOARD OF PSYCHOLOGY

Quarterly Board Meeting

Open Session Minutes

U.S. Grant Hotel
326 Broadway
San Diego, CA 92101-9709

Friday, November 2, 2001

The open session meeting was called to order by the President, Martin Greenberg, Ph.D. at 9:00 a.m. A quorum was present and due notice had been sent to all interested parties.

Present were:

Martin Greenberg, Ph.D., President
Emil Rodolfa, Ph.D., Vice President
Pamela Harmell, Ph.D.
Lisa Kalustian
Marilyn Palarea
Mary Ellen Early

Others Present:

Thomas O'Connor, Executive Officer
Dan Buntjer, Legal Counsel
Laura Freedman, Legal Counsel
Jeffrey Thomas, Assistant Executive Officer
Kathi Burns, Enforcement Coordinator
Kathy Bradbury, Administrative Services Coordinator
Karen Johnson, Licensing and Examination Coordinator
Diana Crosby, Business Services Technician

Dr. Greenberg announced that Dan Buntjer, the Board's legal counsel is retiring in February 2002. He thanked Dan for his many years of service to the Board and expressed that the Board will miss him. Dan's successor, Laura Freedman was introduced. Ms. Freedman stated that she is looking forward to working with the Board.

Agenda Item #1 – Committee Meetings

The Credentials Committee, Examination Committee, Enforcement Committee, Legislation Committee, and Consumer Education Committee met to discuss and formulate recommendations to the Board.

Agenda Item #2 – Approval of August 17 and 18, 2001 Open Session Minutes

M(Rodolfa)/S(Harmell)/C to approve the August 17 and 18, 2001 open session minutes with corrections.

Vote: 6-0

Agenda Item # 3 – President’s Report – Dr. Greenberg

a. ASPPB Update

Dr. Greenberg stated that he and Mr. O’Connor attended the ASPPB annual meeting in Quebec City as representatives of the Board. Also in attendance, was Emil Rodolfa, Ph.D., who attended as an APPIC representative.

Dr. Greenberg reported that the meeting focused on issues of mobility and the Certification of Professional Qualification (CPQ). To date, 16 states have recognized the CPQ and 14 more are in the process to amend statutes and/or regulations to recognize the CPQ. Additionally, ASPPB has put on hold the development of an oral examination for use by those licensees desiring to obtain a CPQ but who were licensed in a state or province not offering an oral examination.

Dr. Greenberg and Mr. O’Connor stressed that the experience of meeting, learning, and sharing with others from different state psychology boards is an invaluable experience.

Dr. Greenberg announced that at the ASPPB Annual meeting, he was elected to fill the ASPPB Member-at-Large position on the Board of Directors. This honor has never been awarded to a California Board Member. Mr. O’Connor and other Board members congratulated Dr. Greenberg on this achievement.

Dr. Greenberg presented letters from ASPPB President Gerald K. Gentry and other ASPPB members expressing support of the people of the United States regarding the September 11th tragedy.

Dr. Greenberg provided letters from both the National Register and ASPPB regarding their differences of opinion in mobility efforts for psychologists. Dr. Gentry’s letter explains that ASPPB and the National Register were initially working together toward solving mobility issues, however, the National Register and ASPPB have encountered

several disagreements on the issues and have, at this point, stopped working together on this issue.

b. August 2001 APA Convention

Dr. Greenberg reported that he attended the APA 2001 convention in San Francisco with Mr. O'Connor. Although this convention did not encompass many board related issues, the convention provided an opportunity to meet with APA's Continuing Education Officer Jo Linder-Crow. Dr. Linder-Crow has been invaluable to the Board in their efforts to improve California continuing education requirements.

c. Update on Supervised Professional Experience

Dr. Greenberg presented draft language that would require a primary supervisor to take a course in supervision. This is one of the three recommendations that came from the Board's work group.

Another recommendation from the group is to develop a contract to be signed by supervisors and supervisees that details the legal, ethical and professional responsibilities of both parties. The Board is aware of the importance of making sure that the contract does not present undue legal liabilities on the part of the supervisor.

Dr. Rodolfa reported that he and Mr. O'Connor attended a California Psychology Internship Council (CAPIC) meeting held at the Wright Institute in Berkeley. A very positive discussion of the Board's efforts with regard to supervision regulations took place. Dr. Rodolfa believes CAPIC will be sending a letter to the Board with member feedback.

Dr. Greenberg stressed that the Board is not trying to micro-manage supervision programs or processes. The Board does not intend to transfer the responsibility of determining who should get licensed from the Board to supervisors.

Ms. Kalustian recommended that the Board not be so prescriptive in its language regarding types of coursework. After discussion, the Board decided not to remove the current language that describes what the training should include, but instead, to add the phrase "but not be limited to."

The Board asked staff to work to develop language to require supervisor training and to continue with the regulatory process and notice the language for hearing at the March meeting.

d. Presentation by National Register

Judy Hall, was expected to speak on this topic, but was not present. Dr. Rodolfa stated that Ms. Hall's purpose at this meeting was to present information regarding utilizing registration with the National Register as an avenue for mobility.

e. Other President's Informational Items

Dr. Greenberg reported that there has been some confusion about the Board's methods used to eliminate the oral examination. Several comments centered around the concerns that the Board did not demonstrate scientifically that the oral examination should be eliminated. Dr. Greenberg agreed with this assertion and stated that the Board of Psychology never intended to decide this issue by experimental methods. Rather, the Board of Psychology studied the oral examination issues in a variety of ways using a variety of sources. Finally, the Board of Psychology distilled all of the information and assumed the full responsibility for reaching a conclusion that was in compliance with legal standards.

Dr. Rodolfa informed Dr. Greenberg that he would not be available to attend the May and November 2002 meetings. He asked that in light of the fact that the Board is short two members, the Board consider changing the dates of those meetings to allow all seven members to attend, if possible. Dr. Greenberg agreed to consider this request.

Agenda Item #4 – Executive Officer's Report – Mr. O'Connor

a. DCA Complaint Disclosure Hearings

Mr. O'Connor reported that he had attended the DCA Complaint Disclosure hearing in Northridge, on September 21, 2001. He stated that this hearing was the result of DCA's desire to update the current complaint disclosure policy that was last updated in 1979.

Mr. O'Connor explained that the Board currently discloses complaints at the point at which an Accusation is filed. Before being advised by the Office of the Attorney General against doing so, the Board, at one time, disclosed complaints at the time a complaint was referred to the Attorney's General Office for the drafting of an Accusation.

Mr. O'Connor expressed the importance of only disclosing information that is allowed by law and that the Department should consider that health care professions warrant a different type of complaint disclosure than other service related businesses such as contractors and accountants.

Mr. O'Connor stated that the Board should monitor this issue and be prepared to align the Board's policy with that of the Department when the time comes. Another hearing on this matter will be held in Sacramento on November 5, 2001.

b. Assemblymember Correa's Public Hearings re: AB 269

Mr. O'Connor explained that AB 269 (Correa) did not pass through the legislature during the year. The issues in the bill are continuing to be studied by Assemblymember Lou Correa. This bill's purpose was to remove the authority to hire

and fire the Executive Officer from the Board and assign it to a special committee. Additionally, the bill provides for an enforcement oversight committee to be established for monitoring each Board's enforcement program. Mr. O'Connor presented a letter that he had sent to Assemblymember Correa wherein he supported Correa's dedication to helping consumers and offered ideas that might accomplish, or that currently do accomplish, the same goals as AB 269.

c. Office of Administrative Hearings (OAH) Advisory Group Meeting – 8/30/01

Mr. O'Connor reported that he was asked by the DCA Director to participate in the OAH Advisory Group. This group has focussed its efforts on such topics as the settlement process and OAH procedure review. Mr. O'Connor reported that this group continues to meet and discuss these and other topics.

d. Ethics Orientation for Exempt Employees and Board Members

Mr. O'Connor reminded all Board members to complete the ethics orientation by December 1, 2001.

e. Other Executive Officer's Informational Items

Mr. O'Connor presented to the Board a copy of the California Department of Consumer Affairs Privacy Policy and reported that this policy clarifies the principles by which the Department of Consumer Affairs collects and manages personal information to protect the privacy rights of individuals providing such information. This policy can be accessed from the BOP homepage.

Ms. Kalustian asked if in the context of health boards' disciplinary documents, are there any protections for affected persons' medical and/or mental health records? Mr. Buntjer advised that he would research the issue.

Agenda Item #5 – Legal Counsel's Report – Mr. Buntjer

Mr. Buntjer explained the importance of new requirements of the Bagley-Keene Open Meeting Act. Such requirements include posting Board meeting agendas on Board websites. Without this posting, a meeting must be terminated. Additional requirements include emergency and teleconference meetings.

Dan Buntjer stated that he first began working with the Board in 1983 and has been impressed by their dedication and hard work, particularly the current members. He expressed thanks and ensured the Board that they were getting a strong attorney in Laura Freedman.

Agenda Item # 6 – Regulations Update – Mr. Thomas

a. Current Rulemaking Files in Process

Mr. Thomas reported that the hearing on the regulations to eliminate the oral examination and implement the CJPEE is to be held today at 1:00 p.m. After the hearing, the Final Statement of Reasons will be drafted and the administrative process will continue.

Additionally, Mr. Thomas reported that the regulations regarding the CE enhancements that allow CME and APA courses to count toward license renewal are currently in the Director's Office and will be sent on to the Office of Administrative Law in the coming weeks.

b. Other Regulation Informational Items

No other regulation informational items.

Agenda Item #7 – Continuing Education Update – Mr. Thomas

a. Continuing Education Statistics

Mr. Thomas reported that there was an average non-compliance rate of 9% in the first reporting period shown on the report. However, over time, the rate has decreased to 2%.

The Board and Mr. Thomas discussed reasons for CE deficiency and reporting time frames.

b. Continuing Education Petition Process Proposal

Mr. Thomas explained that this is a current proposal by MCEPAA and asked that the Board take a direction on the proposal. Dr. Greenberg stated that since there are new regulations being implemented to expand the way one can accrue hours for renewal, the Board should wait for about a year to see if the new regulations resolve the issue. At that time, MCEPAA should come back to us and report on the issue.

M(Rodolfa)/S(Kalustian)/C to table the petition process proposal until the November 2002 Board meeting and to direct staff to ask that MCEPAA be prepared to provide the Board with related statistics at that time.

Vote: 6-0

c. Other Continuing Education Informational Items

No other continuing education informational items.

Agenda Item #8 – Regulation Hearing – Regulations to Eliminate Oral Examination and Implement the California Jurisprudence and Professional Ethics Examination (CJPEE) – 1:00 p.m.

Dr. Greenberg conducted the regulation hearing on the elimination of the oral examination and implementation of the California Jurisprudence and Professional Ethics Examination.

M/Rodolfa)/S(Early)/C to adopt the proposed regulation changes.

Vote: 6-0

Agenda Item #9 – Credentials Committee Report – Dr. Harmell

a. James Peck, PsyD – Plan for Alternative Supervision

M(Credentials Committee)/C to approve Dr. Peck's plan for alternative supervision.

Vote: 6-0

b. Clark McKown, PhD – Plan for Alternative Supervision

M(Credential Committee)/C to approve 70% of Dr. McKown's plan for Alternative Supervision.

Vote: 6-0

c. Other Credentials Informational Items

No other credential informational items.

Agenda Item #10 – Examination Committee Report – Dr. Rodolfa

a. Implementation of the Computerization of the EPPP

Mr. O'Connor reported that computerized testing began in September and the Board has received positive feedback from examinees who have taken the exam.

b. Implementation of the Computerization of the CJPEE

Mr. O'Connor reported that computerization of this exam will begin in November and the first applicants to take it will be applicants for California license who are licensed in other states.

c. CJPEE Development Workshops

Dr. Rodolfa reported that upcoming workshops are scheduled and that the Board is looking for participants.

d. Other Examination Informational Items

No other examination informational items.

Agenda Item #11 – Enforcement Committee Report – Ms. McMillan

a. Expert Case Reviewers

In Ms. McMillan's absence, Ms. Burns reported that the Enforcement Committee approved two new expert reviewers.

b. Enforcement Statistics

Ms. Burns reported that it was too early in the fiscal year to predict trends in enforcement.

c. Update on BCP to Bring Complaint Processing In-house from MBC

Mr. O'Connor reported that the Budget Change Proposal to bring complaint processing in-house from the Medical Board of California (MBC) has been denied. It will be pursued again next year.

d. Other Enforcement Informational Items

No other enforcement information items.

Agenda Item #12 – Legislation Committee Report – Ms. Early

a. SB 349 – (Senate B&P Committee)

Ms. Early reported that SB 349 has been passed and signed by the Governor. This bill requires licensees to pay any accrued renewal fees in order to renew a license.

b. SB 724 – (Senate B&P Committee)

Ms. Early reported that SB 724 has been passed and signed by the Governor. This bill returned to the Board the ability to evaluate foreign degrees.

c. AB 1616 – (Wright)

Ms. Early reported that AB 1616 has been passed and signed by the Governor. This bill extended the time period from 7 to 10 years that boards have jurisdiction over violations of sexual misconduct.

d. AB 1422, 1423, 1424 (Thomson)

Ms. Early reported that AB 1422 and 1423 have no action being taken, however, AB 1424 has been passed and signed by the Governor. AB 1424 addressed Medi-cal and other insurance reimbursement requirements regarding mental health.

e. Other Legislation Informational Items

No other legislation informational items.

Agenda Item #13 – Consumer Education Committee Report – Ms. Kalustian

a. BOP Update #9 Status

Ms. Kalustian reported that BOP Update #9 is in progress and will be distributed in early 2002. We are waiting for one article and enforcement statistics before sending it to DCA Communications Office for formatting.

b. Website Update

Ms. Kalustian reported that Board staff continues to work with DCA to ensure that the website will be compatible with DCA requirements.

Also reported, was that the Board's website averages 13,000 to 14,000 hits per month.

c. Other Consumer Education Informational Items

No other consumer education informational items.

Agenda Item #14 – Public Comment

Allison Parelman, Ph.D. inquired as to the test reliability for the CJPEE. Dr. Greenberg explained that the information is not yet available since so few have taken the exam. However, test reliability will continue to be monitored closely.

The open session meeting adjourned at 2:05 p.m.

The Board adjourned into closed session at 2:10 p.m.

Martin R. Greenberg, Ph.D.
President
Board of Psychology

Date